THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22800 OF 2007

DATED: 30.10.2007

Between:

T. Janardhan

.. Petitioner

And

The Superintending Engineer, Operation NPDCL, Adilabad, Adilabad District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22800 OF 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Upper Divisional Clerk in the existing vacancy under the category of unqualified quota even after attaining 45 years of age as illegal and arbitrary.

It appears, the petitioner was initially appointed as Helper in the Electricity Department at Nirmal, Adilabad District in the year 1979 and was subsequently promoted as Bill Collector in the year 1980. Later, in the year 1982, the post of Bill Collector was re-designated as Revenue Cashier. What that being so, the petitioner was falsely implicated in a criminal case and the criminal Court let him off with a punishment of fine of Rs.1,000/-. A departmental enquiry was also conducted against the petitioner and the same was concluded in removal of the petitioner from service in the year 1990. Challenging the removal, he approached the Industrial Tribunal, vide I.D.No.453 of 1990, but the same was dismissed by the Tribunal on 27.02.1992. Aggrieved thereby, the petitioner filed W.P.No.4921 of 1993 before this Court and the same was allowed modifying the award passed by the Tribunal and directing the respondents to pass an order reducing the petitioner's rank at appropriate lower stage in the time scale and reinstate him after regularizing the period of absence without any

backwages. Challenging the said order, the management preferred a writ appeal, being W.A.No.1069 of 1994, and the same was disposed of on 04.07.1995, modifying the order of the learned Single Judge as under:

> "Depriving of the backwages is itself a sufficient punishment. As such, there is no justification to interfere with the order passed by the learned Single Judge. However, having regard to the facts of the case, we hold that the appointment of the workman shall not be construed as continuity of service, but it shall be treated as fresh appointment from the date of his reinstatement. The writ appeal was disposed of."

In pursuance of the said order in the writ appeal, the petitioner was reinstated into service, vide proceedings dated 20.10.1995 of the 2nd respondent, and since then he has been working as L.D.C. at Electricity Revenue Office, Adilabad. While so, the grievance of the petitioner is that though his juniors were promoted to the post of U.D.C., he was not promoted even after completion of ten years of service. In this regard, the petitioner made a representation to the 1st respondent on 04.05.2005 requesting him to consider his case for promotion to the post of U.D.C. in any existing vacancy, but the Chief General Manager, by his proceedings dated 14.06.2005, intimated the petitioner that graduation is necessary for promotion. Thereupon, the petitioner made an appeal before the 2nd respondent on 08.02.2007 ventilating all his grievances with regard to non-consideration of his case for promotion to the post of U.D.C., though his juniors were promoted, and stating that still there are vacancies existing in the cadre of U.D.C. The petitioner complains that the said appeal is still pending with the 2nd respondent and no orders have been passed

thereon till date.

In view of the above, without expressing any opinion on merits, the 2nd respondent is directed to dispose of the appeal purported to have been filed by the petitioner on 08.02.2007 for consideration of his case for promotion to the post of U.D.C. and pass appropriate orders as per law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

30th October, 2007.
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